

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

DOUGLAS TARNAWA and PAMELA
TARNAWA, Individually and as Mother
and Next Friend of COLTON TARNAWA,
STEPHEN TARNAWA, and
ANNABELLE TARNAWA,
Plaintiffs,

C.A. No.: 3:22-CV-10271-KAR

v.

LYLE PEIRCE, INC. and
RONALD P. GREEN, SR.,
Defendants.

**DEFENDANTS LYLE PEIRCE, INC.’S AND RONALD P. GREEN, SR.’S,
ANSWER TO PLAINTIFFS’ COMPLAINT AND DEMAND FOR TRIAL BY JURY**

Now come Defendants Lyle Peirce, Inc. (“Lyle Peirce”) and Ronald P. Green, Sr. (“Green”) (collectively “Defendants”), and answer Plaintiffs’ Complaint and Jury Demand, paragraph by paragraph, as follows:

PARTIES

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
2. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.
4. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

5. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

6. Admitted.

7. Admitted.

FACTS

8. Admitted.

9. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

10. Denied.

**COUNT I
DOUGLAS TARNAWA v. LYLE PEIRCE, INC.
NEGLIGENCE/VICARIOUS LIABILITY**

11. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 10 above as if fully set forth herein.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT II
DOUGLAS TARNAWA v. RONALD P. GREEN, SR.
NEGLIGENCE

18. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 17 above as if fully set forth herein.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT III
PAMELA TARNAWA v. LYLE PEIRCE, INC.
LOSS OF CONSORTIUM

24. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 23 above as if fully set forth herein.

25. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

26. Denied.

27. Denied.

28. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT IV
PAMELA TARNAWA v. RONALD P. GREEN, SR.
LOSS OF CONSORTIUM

29. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 28 above as if fully set forth herein.

30. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

31. Denied.

32. Denied.

33. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT V
COLTON TARNAWA v. LYLE PEIRCE, INC.
LOSS OF CONSORTIUM

34. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 33 above as if fully set forth herein.

35. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

36. Denied.

37. Denied.

38. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT VI
COLTON TARNAWA v. RONALD P. GREEN, SR.
LOSS OF CONSORTIUM

39. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 38 above as if fully set forth herein.

40. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

41. Denied.

42. Denied.

43. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT VII
STEPHEN TARNAWA v. LYLE PEIRCE, INC.
LOSS OF CONSORTIUM

44. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 43 above as if fully set forth herein.

45. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

46. Denied.

47. Denied.

48. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT VIII
STEPHEN TARNAWA v. RONALD P. GREEN, SR.
LOSS OF CONSORTIUM

49. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 48 above as if fully set forth herein.

50. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

51. Denied.

52. Denied.

53. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT IX
ANNABELLE TARNAWA v. LYLE PEIRCE, INC.
LOSS OF CONSORTIUM

54. Defendants repeat and incorporate by reference their responses to Paragraphs 1 through 53 above as if fully set forth herein.

55. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

56. Denied.

57. Denied.

58. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

COUNT X
ANABELLE TARNAWA v. RONALD P. GREEN, SR.
LOSS OF CONSORTIUM

59. Defendants repeat and incorporate by reference their answers to Paragraphs 1 through 58 above as if fully set forth herein.

60. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

61. Denied.

62. Denied.

63. Denied.

WHEREFORE, Defendants request that judgment be entered in their favor dismissing all claims asserted against them in Plaintiffs' Complaint, along with costs, disbursements and interest incurred herein.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint should be dismissed for failure to state a claim upon which relief can be granted pursuant to Mass. R. Civ. P. 12(b)(6).

SECOND AFFIRMATIVE DEFENSE

The Complaint should be dismissed for lack of jurisdiction over the Defendants pursuant to Mass. R. Civ. P. 12(b)(2)

THIRD AFFIRMATIVE DEFENSE

The Complaint should be dismissed for insufficiency of process pursuant to Mass. R. Civ. P. 12(b)(4).

FOURTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed for insufficiency of service of process pursuant to Mass. R. Civ. P. 12(b)(5).

FIFTH AFFIRMATIVE DEFENSE

The Complaint should be dismissed for failure to join a necessary party under Mass. R. Civ. P. 19.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' recovery should be barred or reduced due to their comparative negligence pursuant to G.L. c. 231, §85.

SEVENTH AFFIRMATIVE DEFENSE

The acts or omissions which are alleged to have caused the damages and/or injuries referred to in the Complaint were committed by a third party who was not an agent or employee of Defendants and for whose acts or omissions the Defendants are not legally responsible.

EIGHTH AFFIRMATIVE DEFENSE

The alleged injuries sustained by Plaintiffs are the result of an intervening and/or superseding event(s) for which Defendants were not involved or responsible.

NINTH AFFIRMATIVE DEFENSE

The claims in Plaintiffs' Complaint are time-barred by the applicable statute of limitations and, therefore, should be dismissed.

JURY DEMAND

DEFENDANTS LYLE PEIRCE, INC. AND RONALD P. GREEN, SR. DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Defendants,
LYLE PEIRCE INC. and
RONALD P. GREEN, SR.
By their attorneys,

/s/ Michael Riseberg
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David B. Stanhill, BBO# 654187
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CERTIFICATE OF SERVICE

I, Michael D. Riseberg, counsel for Defendants Lyle Peirce, Inc. and Ronald Green, Sr., certify that on this 10th day of June 2022 a true and accurate copy of the this document was served through the ECF system on those persons registered to receive notice thereunder.

/s/ Michael Riseberg
Michael D. Riseberg